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7 Attorneys for Defendant UNITED STATES
8 DEPARTMENT OF LABOR

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 THE CENTER FOR INVESTIGATIVE
REPORTING and WILL EVANS,

15 Plaintiffs,

16 v.

17 UNITED STATES DEPARTMENT OF
18 LABOR,

19 Defendant.

) Case No. 19-cv-05603-SK

)
) **SUPPLEMENTAL DECLARATION OF**
) **PAMELA T. JOHANN IN SUPPORT OF**
) **DEFENDANT'S MOTION FOR SUMMARY**
) **JUDGMENT AND IN OPPOSITION TO**
) **PLAINTIFFS' CROSS-MOTION FOR**
) **SUMMARY JUDGMENT**

) Date: June 15, 2020
) Time: 9:30 p.m.
) Place: Courtroom C, 15th Floor

20)
21) The Hon. Sallie Kim

22 I, Pamela T. Johann, declare as follows:

23 1. I am an Assistant United States Attorney in the United States Attorney's Office for the
24 Northern District of California. I am licensed to practice law in the State of California and to appear
25 before this Court. I have personal knowledge of the following facts and if called to testify, I could and
26 would competently testify thereto. I submit this declaration in support of Defendant's Motion for
27 Summary Judgment.

28 2. Plaintiff The Center for Investigative Reporting and Defendant Department of Labor are

1 parties in another Freedom of Information Act (“FOIA”) pending in this district, *Center for Investigative*
2 *Reporting v. Dep’t of Labor*, No. 18-cv-02414-DMR (N.D. Cal.) (“*CIR v. DOL I*”). Cross-motions for
3 summary judgment are currently pending in that case.

4 3. *CIR v. DOL I* involves a set of approximately 237,000 Form 300A forms collected by
5 OSHA pursuant to a recordkeeping regulation. In connection with the cross-motions for summary
6 judgment, DOL submitted a declaration and supplemental declaration of Patrick Kapust, the current Acting
7 Director of the Directorate of Enforcement Programs for the Occupational Safety and Health
8 Administration (“OSHA”).

9 4. Attached hereto as Exhibit A is a true and correct copy of the Declaration of Patrick J.
10 Kapust in support of DOL’s motion for summary judgment filed in *CIR v. DOL I*, without exhibits.
11 Attached hereto as Exhibit B is a true and correct copy of the Supplemental Declaration of Patrick J.
12 Kapust in support of DOL’s motion for summary judgment filed in *CIR v. DOL I*.

13 I declare under penalty of perjury that the foregoing is true and correct. Signed this 11th day of
14 May, 2020 in Berkeley, California.

15 /s/ Pamela T. Johann
16 PAMELA T. JOHANN
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